IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7263 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

UMARBHAI SULEMANBHAI

Versus

STATE OF GUJARAT

Appearance:

MR PK JANI for Petitioner

MR MUKESH A PATEL for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/05/2000

ORAL JUDGEMENT

1. Rule. As directed by the court, Shri Mukesh Patel accepts the service of rule on behalf of the respondents. Looking to the nature of the case, and more particularly the fact that the appellate authority has not given any reasons in support of its order passed in appeal, the matter is taken up for hearing today.

2. Shri Mukesh A Patel prays for short adjournment of the matter for filing reply but for the reasons aforesaid, time is granted to him to go through the judgment of the appellate authority and still if he needs some time then the court may grant the time. When the matter was called out for hearing in second round, Shri Mukesh Patel is unable to strongly oppose this special civil application and to show that the appellate authority has passed a reasoned order. It is a matter where the order passed by the Deputy Collector (Stamps Duty) is appealable and the appellate authority on appeal filed has to pass a reasoned order. A reasoned order does not mean to give a judgment as elaborate as what it is normally expected of a judicial court but when the petitioner raised the grounds in appeal then naturally those grounds are to be considered and for not accepting the same, briefly the reasons are to be stated which precisely has not been done in the present case.

3. As a result of the aforesaid discussion, this special civil application succeeds and the same is allowed and the order dated 23rd March, 1998 of the Chief Controlling Revenue Authority, Gujarat State, Ahmedabad is quashed and set aside and the matter is remanded back to that authority with a direction to decide the same in accordance with law by passing a reasoned order. Rule is made absolute accordingly in the aforesaid terms with no order as to costs.

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